IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 732 OF 2004.

The State of Maharashtra. ... Appellant.

V/s.

Bhimrao Dattu Bhosale. ... Respondents.

Smt.V.R.Bhosale, A.P.P. for the appellant.

CORAM : **S.B. MHASE AND**
ANOOP V. MOHATA, JJ.

DATED : **23rd November 2004.**

P.C. :

. Heard Smt.Bhosale for the appellant.

2. The respondent - accused was charged under section 3(1)(X)(Xi) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under section 7(1)(d) of the Protection of Civil Rights Act, 1955 and also under section 354 and 506 of Indian Penal Code.

3. According to the prosecution on 18th August, 2002 the complainant along with other women had been to the field of one Sugandha Ghorpade for weeding. Since there was rain they could not continue the work of weeding and returned back to their houses. At about 12.30

p.m., when they were returning back, the complainant Sunita was injured with thorn on the road. Therefore, she was lagging behind. At that time, the accused came and caught her right hand so as to outrage her modesty. The complainant started shouting but the accused gagged her mouth and addressed her by her caste (Mahar). On hearing the shouts other women came there and rescued the complainant.

4. Even though the incidence is of 18th August, 2002 the complaint was lodged on 23rd August, 2002 and no proper explanation has been given by the complainant. Apart from that, the complainant was not even supported by her husband. So also other women workers have not supported her. One of them, namely, Sunanda Ghorpade was examined but she did not support her case. Thus, for want of evidence the trial Court has acquitted the accused.

5. We do not find any infirmity in the impugned judgment. The view expressed by the trial Court is possible.

. Leave to appeal is, therefore, rejected.

(ANOOP V.MOHATA, J.) **(S.B.MHASE, J.)**